

**IDAHO BOARD OF OPTOMETRY**  
**Division of Occupational and Professional Licenses**  
P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 5/17/2021**

**BOARD MEMBERS PRESENT:** Lance W Fagan, O.D. - Chair  
Terri L Haley, O.D.  
William von Tagen  
Jared Walker, O.D.  
Shawn Sorenson O.D

**DIVISION STAFF:** Nicki Chopski, Section Chief  
Julie Eavenson, Licensing Group Manager  
Lori Peel, Investigative Unit Manager  
Nicholas Crema, General Counsel  
Tim Frost - Health Professions Legislative and  
Regulatory Affairs Manager  
Greg Floyd, Financial Unit Manager  
Debbie Toncray, Board Specialist

**OTHERS PRESENT:** Lisa White, Idaho Optometric Physicians  
Kris Ellis, Eiguren Ellis Public Policy

The meeting was called to order at 8:30 AM MDT by Lance W Fagan, OD.

**APPROVAL OF MINUTES**

Dr. Haley made a motion to approve the minutes of 1/25/2021 and 3/3/2021. It was seconded by Mr. von Tagen. Motion carried.

**DISCUSSION ON NALOXONE**

Ms. Chopski discussed the recent changes in the law for healthcare providers who can prescribe and dispense opioid antagonists, specifically Naloxone, and the relevance of the law to the Board's scope of practice.

**LAWS AND RULES**

Mr. Crema presented a legislative update and stated that S1024, S1026, and S1056, regarding the consolidation of several self-governing regulatory Boards under the umbrella of the Division, have passed through the Legislature and been signed by the Governor.

Mr. Crema reviewed the current zero-based state regulation policy with the Board after discussion of a question regarding rules for telehealth and prescribing contact lenses.

**DIVISION UPDATE**

Ms. Eavenson discussed the move of the Division and the temporary housing in building number six at the HP Chinden Campus. She said that the Division will likely move to building number four early next year. Ms. Eavenson said that in-person meetings will probably not occur until after the move and will continue to be conducted via WebEx.

Mr. Krema stated that any Board member contacted by an applicant or licensee should direct them to contact the Division staff with questions and information so that Board members do not need to recuse themselves from discussions or application consideration.

## **FINANCIAL REPORT**

Mr. Floyd gave the financial report, which indicated that the Board had a cash balance of \$85,825.36 as of 4/30/2021.

## **DIVISION BUSINESS**

The Board reviewed the To Do List and added a possible future rule for telehealth and prescribing contact lenses.

## **BOARD BUSINESS**

## **CONFERENCE UPDATES AND ATTENDANCE**

The Board reviewed the information from the Association of Regulatory Boards of Optometry (ARBO) regarding the 2021 Virtual Annual Meeting. Dr. Walker made a motion to appoint Dr. Haley as the delegate to attend the meeting. It was seconded by Dr. Sorenson. Motion carried.

## **ARBO 2021 BOARD REPORT**

The Board reviewed the ARBO member Board report request and completed 2021 report. Mr. von Tagen made a motion to have staff submit the report to ARBO as written. It was seconded by Dr. Walker. Motion carried.

## **CORRESPONDENCE**

The Board reviewed correspondence from Dr. White regarding the acceptance by the Board of the continuous acceptance program (CAP) provided through ARBO, which then gives a licensee diplomate status with ARBO. The Board directed Division staff to respond with a request for clarification of Dr. White's request and to find out if he is asking for blanket approval of all the CAP continuing education courses.

The Board reviewed correspondence from Ms. Brubaker with the Association of Schools and Colleges of Optometry (ASCO) regarding a possible additional requirement of cultural competency continuing education for optometrists licensed in Idaho. Mr. Krema stated that the Board's mission is to protect the public health, safety and welfare; that the additional continuing education is different from the Board's mission; that there is no current law or rule to add the requirement; and that the Idaho Optometric Physicians association could look into the matter. The Board agreed that

course providers could submit continuing education course applications for the Board to review.

The Board reviewed correspondence from the National Board of Examiners in Optometry which provided an update on its accomplishments in 2020. No action was taken.

## **EXECUTIVE SESSION**

Dr. Walker made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Haley. The vote was: Dr. Fagan, aye; Dr. Haley, aye; Mr. von Tagen, aye; Dr. Walker, aye; and Dr. Sorenson, aye. Motion carried.

Mr. von Tagen made a motion to come out of executive session. It was seconded by Dr. Haley. Motion carried.

## **CONTINUING EDUCATION (CE) AUDITS**

Mr. von Tagen made a motion to send a warning letter with a reminder of the required 18 hours to be completed for this calendar year to the following:

ODP-100084  
ODP-1004

It was seconded by Dr. Haley. Motion carried.

The Board discussed creating a standard letter for optometrists who are audited and fall short of the annual continuing education requirements. Mr. von Tagen made a motion for Division staff to draft a letter for review at the August 30, 2021 Board meeting. It was seconded by Dr. Walker. Motion carried.

## **COMPLAINT MEMORANDUM**

Ms. Peel gave the investigative report, which is linked above.

## **EXECUTIVE SESSION**

Dr. Walker made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Dr. Haley. The vote was: Dr. Fagan, aye; Dr. Haley, aye; Mr. von Tagen, aye; Dr. Walker, aye; and Dr. Sorenson, aye. Motion carried.

Mr. von Tagen made a motion to come out of executive session. It was seconded by Dr. Sorenson. Motion carried.

## **FOR BOARD DETERMINATION**

Dr. Haley made a motion to approve the Division's recommendation and authorize closure in case numbers I-OPT-2021-1 and I-OPT-2021-2. It was seconded by Mr. von Tagen. Motion carried.

## **DISCIPLINE**

Dr. Haley made a motion to close case number OPT-2021-1 with a warning letter. It was seconded by Mr. von Tagen. Motion carried.

**NEXT MEETINGS** were scheduled for August 30, 2021 at 8:30 AM MDT and November 8, 2021 at 8:30 AM MST.

## **ADJOURNMENT**

Mr. von Tagen made a motion to adjourn the meeting at 10:09 AM MDT. It was seconded by Dr. Walker. Motion carried.

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Lance W Fagan, O.D., Chair